

U.S. Department of the Interior
Bureau of Land Management
Royal Gorge Field Office
3028 E. Main Street
Canon City, CO 81212

DETERMINATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

NUMBER: DOI-BLM-CO-200-2013-093 DN

PROJECT NUMBER: Range Improvement # 016767

PROPOSED ACTION TITLE/TYPE: Range – Eight Mile Mountain Livestock Water Well & Tank

LEGAL DESCRIPTION: Fremont County, 6th Principal Meridian
T17S, R71W, sec. 28, SE¹/₄SE¹/₄

APPLICANT: Permittee, Bradley Ranches, LLC.

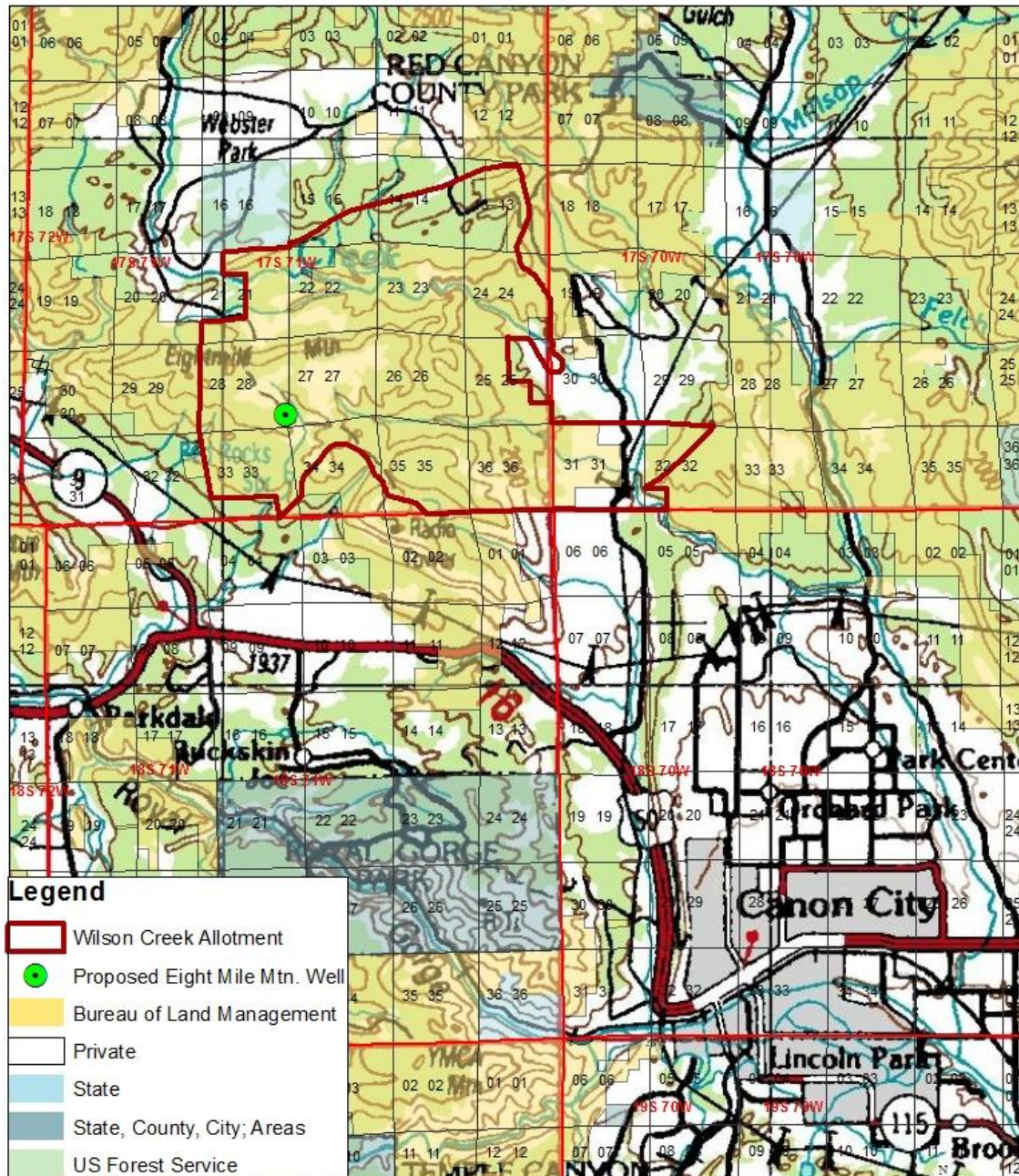
A. Description of the Proposed Action and any applicable mitigation measures

The proposed action is to allow construction of a livestock water well within Wilson Creek Allotment #05300 to promote even livestock distribution on public land. This project will allow the permittee to utilize a large portion of the allotment that he cannot otherwise use due to the lack of livestock water. All of the existing springs within the allotment have dried up.

The water will be pumped, using a solar system, directly into a tank. The new tank would consist of a 1,300 gallon rubber tire permanently established with a concrete base. The tank would include a wildlife ramp to protect against accidental entrapments. The permittee would be responsible for maintenance of the facility under a Range Improvement Cooperative Agreement (Form #1004-019). The addition of the well will not impact the current stocking rate or current range management. The project is in cooperation with the current grazing permittee, Front Range District Grazing Advisory Board, and the BLM.



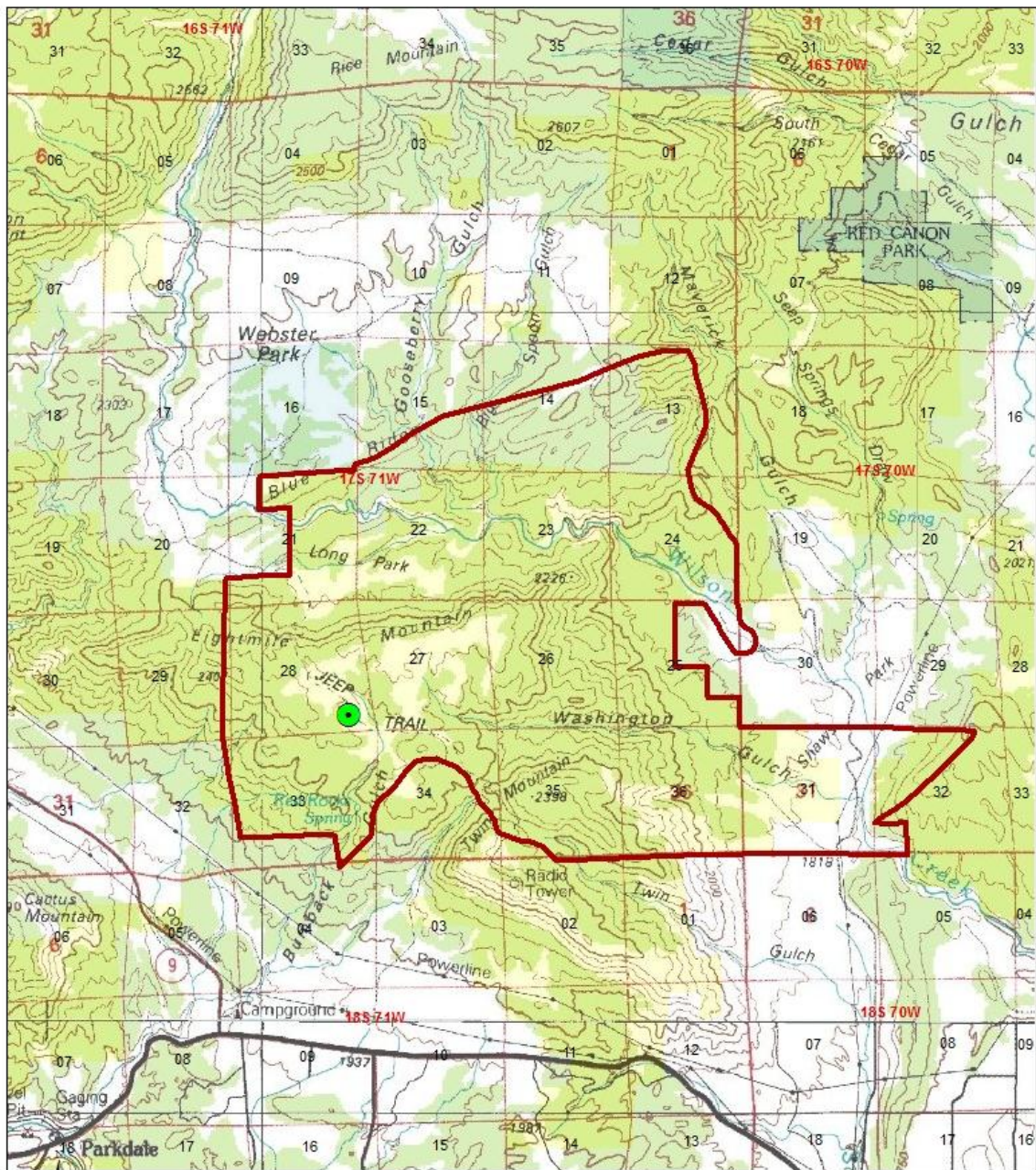
Wilson Creek Allotment #05300
Proposed Livestock Water Well
T17S, R71W Sec. 28, SE 1/4 SE 1/4



Location Map

0 1 2 Miles





PROJECT MAP - WILSON CREEK ALLOTMENT #05300

Proposed Livestock Water Well & Tank

Legend

- Wilson Creek Allotment
- Proposed Well Site
- Bureau of Land Management
- Private
- State
- State, County, City, Areas

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0 0.5 1 2 Miles



NOTE TO MAP USERS

No warrantee is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.

B. Land Use Plan (LUP) Conformance

LUP Name Royal Gorge Resource Management Plan	Date Approved 05/13/96
Royal Gorge Grazing EIS	April 2, 1980
Other Document	Date Approved

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions: C-38 (Continue to construct range improvements on an as needed basis. Complete NEPA documentation on each project as needed.) “Range improvement projects (i.e. fences, spring developments, water catchments, reservoirs, water pipelines, water troughs, cattleguards, wells, water storage tanks, and livestock trails) will continue to be constructed on an as needed basis. Specifications for these projects will be as directed by BLM manuals. NEPA documentation will be completed on each project as needed”.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

Wilson Creek Allotment Term Grazing Permit Renewal DOI-BLM-CO-200-2011-0015 DN and CO-RGFO-00-100 EA – Term Permit Renewal

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Wilson Creek Land Health Assessment, September 30, 2001 & 2010

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The RMP states that “BLM will continue to construct range improvement projects on an as needed basis. BLM will complete NEPA documentation on each project as needed.” The Resource Management Plan analyzed the Royal Gorge Field Office area and grazing allotments therein. This project is located within the Royal Gorge Field Office. There are no other differences. The grazing permit renewal (DOI-BLM-CO-200-2011-0015 DN) covers the site specific allotment.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes. The RGFO RMP contained four management alternatives, and these are identified as: 1) the Existing Management Alternative, which was a continuation of previous management practices of a mixed level of resource management, utilization and protection; 2) the Resource Conservation Alternative, emphasized resource conservation, providing increased protection for natural resources; 3) the Resource Utilization Alternative provided for utilization, production and development of the natural resources; and 4) the Preferred Alternative that emphasized resource conservation but with moderate levels of development and resource utilization.

The existing DN for permit renewal was conducted in 2011 and continues to be appropriate for current conditions. The existing EA for permit renewal was conducted in 2000. The EA included a proposed action alternative, which would have provided for any change in grazing or season of use, a no action alternative that would have continued grazing as previously scheduled and a no grazing alternative. No new environmental conditions or change in resource values have arisen that would invalidate those alternatives analyzed.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

The RMP was concluded in 1996 and the permit renewal DN was done in 2011. The EA from 2000 covered most recent issues including most recent health standards assessments and T&E species listing. There is no new information or issues that would change what was analyzed and concluded in the existing NEPA documents.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

As discussed in Section B above, the RMP analyzed the need for future range improvement projects. The most recent Term Grazing Permit Renewal CO-200-2011-0015 DN, Feb. 2011, tiered to CO-RGFO-00-100EA Term Permit Renewal provides analysis and examination of direct, indirect and cumulative impacts of the proposed action. This recent DNA ensures that the specialists have reviewed and provided remarks below regarding impacts from the proposed action.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

The views and concerns of the public were actively solicited during the planning process of the RMP. In addition, public scoping was conducted during the planning process of the grazing permit renewal EA. In both cases no grazing or range improvement concerns were identified.

E. Persons/Agencies /BLM Staff Consulted

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 9/12/2013
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	-----
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	CC, 9/12/2013
John Lamman	Range Management Spec.	Weeds	JL, 09/12/2013
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 9/13/13
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	SSC, 9/27/2013
Melissa Smeins	Geologist	Minerals, Paleontology	-----
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 9/16/13
Ty Webb	Prescribed Fire Specialist	Air Quality	mw for TW 9/13
Jeff Covington	Cadastral Surveyor	Cadastral Survey	JC, 9/12/13
Kalem Lenard	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	KL, 9/16/2013
John Nahomenuk	River Manager	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	-----
Ken Reed	Forester	Forestry	MKSG, 10/21/2013
Martin Weimer	NEPA Coordinator	Environmental Justice, Noise, SocioEconomics	mw, 9/13/13
Monica Weimer	Archaeologist	Cultural, Native American	-----
Michael Troyer	Archaeologist	Cultural, Native American	MDT 9/12/13
	Realty Specialist	Realty	
Steven Craddock	Realty Specialist	Realty	SRC, 9/12/2013
Bob Hurley	Fire Management Officer	Fire Management	
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	-----

Other Agency Represented: None

National Operations Center: Paul Summers, Hydrogeologist was consulted and did a site visit.

REMARKS:

Cultural Resources: No historic properties were found in the area of potential effect [see report CR-RG-14-37 (N)]. Therefore, the proposed undertaking will have no effect on any historic properties (those eligible for the NRHP).

Native American Religious Concerns: No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Threatened and Endangered Species: There are no records of any federally listed or BLM sensitive species within or near the project area. The Proposed Action will not result in impacts to TES species.

Migratory Birds: To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a “take” of migratory birds. Pursuant to BLM Instruction Memorandum 2008-050, to reduce impacts to Birds of Conservation Concern (BCC), no habitat disturbance (removal of vegetation such as timber, brush, or grass) is allowed during the periods of May 15 - July 15, the breeding and brood rearing season for most Colorado migratory birds. The provision will not apply to completion activities in disturbed areas that were initiated prior to May 15 and continue into the 60-day period.

An exception to this timing limitation will be granted if nesting surveys conducted no more than one week prior to vegetation-disturbing activities indicate no nesting within 30 meters (100 feet) of the area to be disturbed. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions.

Wildlife Escape Ramps: It is BLM policy that all water developments have wildlife escape ramps installed to minimize drowning impacts to wildlife species.

Wastes, Hazardous or Solid: If the project involves oil or fuel usage, transfer or storage, an adequate spill kit and shovels are required to be onsite during project implementation. The project proponent will be responsible for adhering to all applicable local, State and Federal regulations in the event of a spill, which includes following the proper notification procedures in BLM’s Spill Contingency Plan. If concrete is proposed as part of the project, all concrete washout water needs to be contained and properly disposed of at a permitted offsite disposal facility.

MITIGATION:

- Avoid new disturbance to vegetation as much as possible
- Install an adequate wildlife escape ramp in the stock tank
- Use designated motorized routes to complete the project
- No habitat disturbance between May 15 and July 15
- Nesting surveys for mountain plover if construction is to occur April 10- July 10
- Use proper spill procedures if necessary

CONCLUSION

DOI-BLM-CO-200-2013-093 DN

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

SIGNATURE OF PROJECT LEAD: /s/ Christine Cloninger

SIGNATURE OF NEPA COORDINATOR: /s/ Martin Weimer

SIGNATURE OF NEPA SUPERVISOR: Melissa K.S. Garcia

SIGNATURE OF THE RESPONSIBLE OFFICIAL: /s/Keith E. Berger
Keith E. Berger, Field Manager

DATE: 10/23/13

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.